

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

****E-Filed 8/23/10****

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

DAVID PAXTON (CABN 266940)
Special Assistant United States Attorney

150 Almaden Blvd., Suite 900
San Jose, California 95113
Telephone: (408) 535-5061
Facsimile: (408) 535-5066
E-Mails: david.paxton@usdoj.gov

Attorney for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
EDDIE LEE JACKSON,)
)
Defendant.)
)

No. CR 09-01115-JF

**GOVERNMENT'S MOTION UNDER
FEDERAL RULE OF CRIMINAL
PROCEDURE 6(e)(3)(E)(i)
PERMITTING GOVERNMENT'S
DISCLOSURE OF CERTAIN GRAND
JURY TRANSCRIPTS;
and ~~PROPOSED~~ ORDER**

Under Federal Rule of Criminal Procedure 6(e)(3)(E)(i), the government moves to disclose to defendant EDDIE LEE JACKSON and his counsel the transcript of grand jury witness testimony in this matter. This request is made "in connection with a judicial proceeding" under Fed. R. Crim. P. 6(e)(3)(E)(i), for the purpose opposing the defendants motion to dismiss the indictment. The motion hearing date is set for July May 25, 2010.

MOTION FOR GRAND JURY TRANSCRIPT
DISCLOSURE
CR 09-01115-JF

1 Under Fed. R. Crim. P. 6(e)(3)(E), the Court may authorize disclosure of a grand
2 jury matter “at a time, in a manner, and subject to any other conditions that it directs.”
3 Here, the government requests that the grand jury transcript be disclosed only to
4 defendant and his counsel, investigators and assisting personnel in the office of the
5 federal public defender, for use only in this case. The government requests that the
6 transcript may not be shown, copied, or distributed to any other person without further
7 order of the Court. The government requests that the transcript be returned or certified as
8 destroyed at the end of the case (including appellate court review, if any). Discussing the
9 contents of the transcript with potential trial witnesses would not violate the proposed
10 protective order.

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13 Dated: July 1, 2010

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

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15 /s/
DAVID PAXTON
Special Assistant United States Attorney

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MOTION FOR GRAND JURY TRANSCRIPT
DISCLOSURE
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~~[PROPOSED]~~ PROTECTIVE ORDER CR 09-0277 JW

The Court approves the Government's motion under Federal Rule of Criminal Procedure 6(e)(3)(E)(i) requesting disclosure to defendant's counsel of the grand jury transcript in this matter. The Court finds that the request is made "in connection with a judicial proceeding" under Fed. R. Crim. P. 6(e)(3)(E)(i).

In addition, as requested by the Government, the Court orders that the grand jury transcript be restricted only to defendant EDDIE LEE JACKSON and his counsel, investigators and assisting personnel in the office of the federal public defender, for use only in this case. The transcript may not be shown, copied, or distributed to any other person without further order of the Court. Defendant's counsel shall at the close of the case (including appellate court review, if any) return the transcript to plaintiff's counsel or certify that the transcript has been destroyed.

DATE: 8/23/10



Hon. Jeremy Fogel
U.S. District Court Judge